

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN WHEELER,

Plaintiff,

-v-

PRAXAIR SURFACE TECHNOLOGIES, INC.,

Defendant.

21 Civ. 1165 (PAE)

ORDER OF
DISCONTINUANCE

PAUL A. ENGELMAYER, District Judge:

The Court having been advised, *see* Dkt. 65, by the parties that plaintiff and defendant Praxair Surface Technologies, Inc. have reached an agreement in this matter, it is ORDERED that the above-entitled action is hereby dismissed and discontinued without costs, and without prejudice to plaintiff's right to reopen the action within 30 days of the date of this Order as to defendant Praxair Surface Technologies, Inc. if the settlement is not consummated.

To be clear, any application to reopen must be filed within 30 days of this Order; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the same 30-day period to be "so ordered" by the Court. Per Paragraph 4(C) of the Court's Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

The Clerk of Court is respectfully directed to terminate defendant Praxair Surface Technologies, Inc. as a party.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in dark ink. The signature is positioned above a horizontal line.

PAUL A. ENGELMAYER
United States District Judge

Dated: October 26, 2023
New York, New York